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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/522,487

04/14/2005

Thierry Machicoane

979-114

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09/24/2009

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EXAMINER

EPSTEIN, BRIAN M

ART UNIT

PAPER NUMBER

3628

MAIL DATE

DELIVERY MODE

09/24/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/522,487 | <b>Applicant(s)</b><br>MACHICOANE, THIERRY |  |
|                              | <b>Examiner</b><br>BRIAN EPSTEIN     | <b>Art Unit</b><br>3628                    |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on January 12, 2009 and May 14, 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 20-39 is/are pending in the application.
- 4a) Of the above claim(s) 34-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20050126 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **STATUS OF THE CLAIMS**

1. Claims 1-19 were previously pending in this application. Claims 1-19 were canceled and claims 20-39 were newly added in the reply filed January 12, 2009. Claims 20-39 were subject to a restriction requirement mailed April 22, 2009. Applicant Elected group I, claims 20-28 in the reply filed May 14, 2009 and amended claims 29-33 and 34-39 from group II to depend from group 1. Therefore, claims 20-39 are currently pending in this application with claims 34-39 being withdrawn by examiner as indicated below.

### ***Election/Restrictions***

2. Applicant's election of Group I, claims 20-28 in the reply filed on May 14, 2009 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (see, MPEP § 818.03(a)). Applicant has amended the dependency of claims originally presented in distinct inventions so that they now depend from independent claim 20 of the elected invention. Accordingly, claims 29-33 are now considered readable thereon and will be examined along with the elected claims 20-28, as they further limit aspects of the elected invention. However, unlike claims 29-33 as shown above, claims 34-39 remain directed to a system that is independent and distinct from the elected invention for reasons already on the record, i.e. the restriction requirement mailed April 22, 2009, and recite elements of a system

Art Unit: 3628

rather than further limiting the elected terminal device. Claims 34-39 are therefore withdrawn from consideration as being directed to a non-elected invention.

### ***Response to Amendment***

3. Previously filed claims 1-19 were rejected under 35 U.S.C. §112, §102, and §103. Since applicant has canceled claims 1-19 in the reply filed January 12, 2009, the prior filed claim rejections are deemed moot. Examiner kindly requests applicants to consider the rejections found below concerning new claims 20-33.

### ***Claim Objections***

4. Claim 32 is objected to because of the following informalities: Claim 32 recites, "wherein the path information includes a list of streets to be taken to return to the second location." However, the user has not started at the second location, but starts at the first location. Examiner interprets claim 32 to recite, "wherein the path information includes a list of streets to be taken to go to the second location. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3628

6. Claims 20-21 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Feagins, Jr. et al. (US 4,379,334).

7. As per **claim 20**, Feagins teaches a terminal for delivering goods or services, intended to be located at a first location, comprising:

a. means for transferring location information representing the first location of the terminal to a medium intended to be carried by the user, wherein the location information allows the user to return to the terminal (Column 1, lines 58-66) (Feagins teaches a multi space parking terminal which prints a receipt including the lot address).

8. As per **claim 21**, Feagins further teaches, wherein the medium is a ticket delivered by the terminal, and wherein the location information is printed on the ticket (Column 1, lines 58-66).

9. As per **claim 26**, Feagins further teaches, wherein the location information comprises an address (Column 1, lines 58-65).

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

Art Unit: 3628

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. Claims 22-23 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feagins, Jr. et al. (US 4,379,334) in view of Brusseaux (US 6,411,937).

13. As per **claim 22**, Feagins does not explicitly teach, wherein the terminal is intended to deliver parking tickets intended to be placed behind a windshield of a vehicle, and wherein the ticket on which the location information is printed is separate from the parking tickets.

However, Brusseaux teaches a similar device, and the device of Brusseaux indeed includes, wherein the terminal is intended to deliver parking tickets intended to be placed behind a windshield of a vehicle (Column 2, lines 33-40), and wherein the ticket on which the location information is printed is separate from the parking tickets (Column 2, lines 52-68).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated, wherein the terminal is intended to deliver parking tickets intended to be placed behind a windshield of a vehicle, and wherein the ticket on which the location information is printed is separate from the parking tickets, in accordance with the teachings of Brusseaux, in order to provide a ticket to place behind the windshield of the parked car to allow double checking of the accuracy of the parking status log in order to prevent writing false parking tickets for customer service reasons,

Art Unit: 3628

since so doing could be performed readily and easily by any person of ordinary skill in the art with neither undue experimentation, nor risk of unexpected results.

14. As per **claim 23**, Feagins does not explicitly teach, wherein the terminal is intended to deliver parking tickets intended to be placed behind a windshield of a vehicle, and wherein the parking ticket includes a part intended to be separated by the user, the part forming the ticket on which the location information is printed.

However, Brusseaux teaches a similar device, and the device of Brusseaux indeed includes, wherein the terminal is intended to deliver parking tickets intended to be placed behind a windshield of a vehicle, and wherein the parking ticket includes a part intended to be separated by the user, the part forming the ticket on which the location information is printed (Column 2, lines 52-68).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated, wherein the terminal is intended to deliver parking tickets intended to be placed behind a windshield of a vehicle, and wherein the parking ticket includes a part intended to be separated by the user, the part forming the ticket on which the location information is printed, in accordance with the teachings of Brusseaux, in order to provide a ticket to place behind the windshield of the parked car to allow double checking of the accuracy of the parking status log in order to prevent writing false parking tickets for customer service reasons, since so doing could be performed readily and easily by any person of ordinary skill in the art with neither undue experimentation, nor risk of unexpected results.

Art Unit: 3628

15. As per **claim 28**, Feagins does not explicitly teach, wherein the transfer is not achieved until a payment for goods or services has been effected at said terminal.

However, Brusseaux teaches a similar device, and the device of Brusseaux indeed includes, wherein the transfer is not achieved until a payment for goods or services has been effected at said terminal (Column 2, lines 51-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated, wherein the transfer is not achieved until a payment for goods or services has been effected at said terminal, in accordance with the teachings of Brusseaux, in order to provide the location information as a value added service in order to increase profitability of the terminal by preventing users for using the terminal for location information without first paying for parking, since so doing could be performed readily and easily by any person of ordinary skill in the art with neither undue experimentation, nor risk of unexpected results.

16. Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feagins, Jr. et al. (US 4,379,334) in view of Rennard et al. (US 6,405,123).

17. As per **claim 24**, Feagins does not explicitly teach, wherein the medium is a terminal of the user.

However, Rennard teaches a similar device, and the device of Rennard indeed includes, wherein the medium is a terminal of the user (Column 9, lines 41-63).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include wherein the medium is a terminal of the user as taught by Rennard



Art Unit: 3628

in the device of Feagins, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable in order to reduce paper waste for environmental conservation.

18. As per **claim 25**, Feagins does not explicitly teach, wherein the location information is transferred through any one of the group of: a voice telephone call, a text message, an SMS, and an email.

However, Rennard teaches a similar device, and the device of Rennard indeed includes, wherein the location information is transferred through any one of the group of: a voice telephone call, a text message, an SMS, and an email (Column 9, lines 41-63).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include wherein the location information is transferred through any one of the group of: a voice telephone call, a text message, an SMS, and an email, as taught by Rennard in the device of Feagins, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable in order to reduce paper waste for environmental conservation.

19. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feagins, Jr. et al. (US 4,379,334) in view of Fujiwara (US 2001/0029459).

Art Unit: 3628

20. As per **claim 27**, Feagins does not explicitly teach, wherein the location information includes a map having an indication of the first location.

However, Fujiwara teaches a similar device and the device of Fujiwara indeed includes, wherein the location information includes a map having an indication of the first location (see, Figure 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated, wherein the location information includes a map having an indication of the first location, in accordance with the teachings of Fujiwara, in order to allow more easy recognition of the lot street address for parking visitors with little knowledge of the locality, since so doing could be performed readily and easily by any person of ordinary skill in the art with neither undue experimentation, nor risk of unexpected results.

21. Claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feagins, Jr. et al. (US 4,379,334) in view of Blasy et al. (US 6,442,449).

22. As per **claim 29**, Feagins does not explicitly teach, identifier receiving means for receiving an identifier of another terminal for delivering goods or services, located at a second location; means for determining from the identifier, a path information allowing a user to go from a first location to the second location, and; means for transferring path information to a medium intended to be carried by the user.

However, Blasy teaches a similar device, and the device of Blasy indeed includes, identifier receiving means for receiving an identifier of another terminal for

Art Unit: 3628

delivering goods or services, located at a second location (Column 1, lines 55-60; Column 3, lines 34-42); means for determining from the identifier, a path information allowing a user to go from a first location to the second location (Column 3, lines 42-65; Column 1, lines 57-65), and; means for transferring path information to a medium intended to be carried by the user (Column 2, lines 42-49; Column 4, lines 20-27).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include identifier receiving means for receiving an identifier of another terminal for delivering goods or services, located at a second location; means for determining from the identifier, a path information allowing a user to go from a first location to the second location, and; means for transferring path information to a medium intended to be carried by the user, as taught by Blasy in the device of Feagins, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable in order to allow a parking user to find alternate parking lots for later use.

23. As per **claim 30**, Feagins does not explicitly teach, wherein the identifier receiving means includes a keypad through which the user is intended to enter the identifier.

However, Blasy teaches a similar device and the device of Blasy indeed includes, wherein the identifier receiving means includes a keypad through which the user is intended to enter the identifier (Figure 1; Column 2, lines 31-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated, wherein the identifier receiving means includes a keypad through which the user is intended to enter the identifier, in accordance with the teachings of Blasy, in order to allow easy, reliable entry of information for directions requesting, and further since doing so is well known in the art, since so doing could be performed readily and easily by any person of ordinary skill in the art with neither undue experimentation, nor risk of unexpected results.

24. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feagins, Jr. et al. (US 4,379,334) in view of Blasy et al. (US 6,442,449) as applied to claim 29 above, and further in view of Goodwin, III (US 2002/0065714).

25. As per **claim 31**, Feagins in view of Blasy does not explicitly teach, wherein the identifier receiving means includes a card reader intended to read a card on which the identifier is stored.

However, Goodwin teaches a similar device, and the device of Goodwin indeed includes, wherein the identifier receiving means includes a card reader intended to read a card on which the identifier is stored (Paragraph 0006).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated, wherein the identifier receiving means includes a card reader intended to read a card on which the identifier is stored, in accordance with the teachings of Goodwin, in order to provide quicker information to the user without requiring typed in identifiers, since so doing could be performed readily and easily by

Art Unit: 3628

any person of ordinary skill in the art with neither undue experimentation, nor risk of unexpected results.

26. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feagins, Jr. et al. (US 4,379,334) in view of Blasy et al. (US 6,442,449) as applied to claim 29 above, and further in view of Bruce et al. (US 6,539,080).

27. As per **claim 32**, Feagins in view of Blasy does not explicitly teach, wherein the path information includes a list of streets to be taken to go to the second location.

However, Bruce teaches a similar device, and the device of Bruce indeed includes, wherein the path information includes a list of streets to be taken to go to the second location (Column 5, lines 17-27; Column 14, lines 24-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated, wherein the path information includes a list of streets to be taken to go to the second location, in accordance with the teachings of Bruce, in order to allow more easy recognition of the lot street address for parking visitors with little knowledge of the locality, since so doing could be performed readily and easily by any person of ordinary skill in the art with neither undue experimentation, nor risk of unexpected results.

28. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feagins, Jr. et al. (US 4,379,334) in view of Blasy et al. (US 6,442,449) as applied to claim 29 above, and further in view of Fujiwara (US 2001/0029459).

Art Unit: 3628

29. As per **claim 33**, Feagins in view of Blasy does not explicitly teach, wherein the path information includes a map having an indication of the first location and an indication of the second location.

However, Fujiwara teaches a similar device, and the device of Fujiwara indeed includes, wherein the path information includes a map having an indication of the first location and an indication of the second location (Figure 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated, wherein the path information includes a map having an indication of the first location and an indication of the second location, in accordance with the teachings of Fujiwara, in order to allow more easy recognition of the directions for parking visitors with little knowledge of the locality, since so doing could be performed readily and easily by any person of ordinary skill in the art with neither undue experimentation, nor risk of unexpected results.

### ***Conclusion***

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

31. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3628

32. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN EPSTEIN whose telephone number is (571)270-5389. The examiner can normally be reached on Monday-Thursday 7:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Art Unit: 3628

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. E./

Examiner, Art Unit 3628

September 18, 2009

/JOHN W HAYES/

Supervisory Patent Examiner, Art Unit 3628